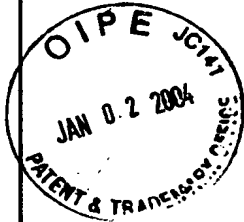


**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

27373/36638A

In re Application of
Ralph Weichselbaum et al.Application Number
09/964,042Filed
September 26, 2001For TREATMENT OF TUMORS WITH GENETICALLY ENGINEERED
HERPES VIRUSArt Unit
1635Examiner
J. E. AngellApplicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown
above is reduced by half, and the resulting fee is:

\$ 165.00

☒ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to
Deposit Account No. 13-2855. I have enclosed a duplicate copy of this sheet.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant /inventor☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)☒ attorney or agent of record.

Registration number 44,410

☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____

Signature
Thomas J. Wrona, Ph.D.
Typed or printed name

(312) 474-9559

Telephone number

December 30, 2003

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.☐ *Total of 1 form submitted.I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in
an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 30, 2003

Signature: (Thomas J. Wrona, Ph.D.)